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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,156	09/07/2001	Robert J. Allen	29214/9116	9204

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James P Zeller  
Marshall Gerstein & Borun  
6300 Sears Tower  
233 South Wacker Drive  
Chicago, IL 60606-6402

EXAMINER
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SCHLAK, DANIEL K

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/936,156

Applicant(s)

ALLEN ET AL.

Examiner

Daniel K Schlak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 and 28-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 and 35 is/are rejected.
- 7) ☒ Claim(s) 28-34 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The title makes no distinction between the invention and the tens of thousands of patents that disclose screen devices.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim recites the limitation "the necessary cross-section" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 17 recites that the panels are formed whereby they may be readily recycled. Anything may be recycled. The recitation does not further limit any previous claim, nor is it clear what this might mean. The panels are plastic, a material that is recyclable. The panels may be removed, discarded, repaired, and put back in the screen. This too is recycling. For the plural interpretations capable of being taken from the claim, the ambiguity is inherent.

Claim 20 recites that the universal snap-in connection allows the panel to be connected "in any selected orientation". If one were to select an "upside down and folded in half" configuration, would the connection still happen? Surely not. Thus, there is no support for the recitation "in any selected orientation" because surely one can select an orientation that is not capable of being realized.

Claim 22 recites the limitation "the shape and dimensions" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 35 recites "to form a substantially contiguous screening surface". The examiner asserts that one thing cannot be "contiguous", there being required always a plurality of elements for any contiguousness to exist. The examiner believes applicant intended to recite "continuous".

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, and 4-26 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,385,241 to Bokor.

Bokor teaches a screening module (shown in full in figures 5 and 6) comprising a screen support member releasably securable to said screen deck (see column 1) and having a peripheral frame and an intermediate strut therewithin, and a polyurethane

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screen panel releasably engaged by a substantially continuous snap-in connection with the peripheral frame and the strut, the intermediate strut located whereby flex of the screen member is controlled. The support member includes an integral stiffening frame and strut core (8) core of rigid construction over which is molded plastic. The length of the support member is selected to span adjacent rails of a screening deck. Securing means are provided to give intimate attachment of the screen support frame to the supporting rails as well as interconnection between adjacent modules. There are end portions (6) configured to accept fastenings that interconnect adjacent screen support frames to the support rails as well as securing adjacent support frames together. The securing means do not extend above the surface of the screening panels in use, whereby an uninterrupted screening surface is maintained. The securing means are installed before the panels are installed. The intermediate strut takes the form of one or more (2 are shown for each panel in figure 5) extending from the periphery of the support member, whereby the maximum unsupported span of the panel is reduced. Two is certainly enough to form an orthogonal array of strut portions.

Applicant is reminded that figure 4 is chosen to show how panels snap in over the extreme peripheral frame portion (left side), a simple intermediate strut (middle), and an intermediate peripheral frame portion (right side). Figure 5 shows the instance where there are two intermediate strut portions as per figure 4, even though figure 4, for simplicity and only to show the three kinds of connections being used, only shows one strut. Figure 5 shows a support member with exactly four screen panels thereon, each panel suspended between one peripheral member such as that on the left side of figure

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4 and one peripheral member such as that on the right side of figure 4, and over two normal intermediate strut portions as per the center of figure 4. For each screen panel, the peripheral frame is comprised at the ends by transverse screen panel (12) and the outer support (18, 14, 13, see figure 7), and at the sides by the pair of members corresponding to the bottom-left and bottom-right elements of figure 4. Each panel fits inside this peripheral frame by a continuous snap-in connection, the snap-in connection also being provided with intermediate strut for added integrity of the device. The support member has a transverse screen panel mounting portion (12) dividing the screen support frame into peripherally supporting panes for the panels. The panels are flush with the support member (see figures 6, 7, 8). The snap-in components are formed integrally with the respective panels and support members. The snap-in connections are "universal" such that one could reverse a panel and still find that it fits into place, or another place, or even in another support member of similar type. The snap-in component of the support member includes upstanding ridges extending about the periphery of the panel mounting portion and which has a ridge on an outward facing surface a peripheral groove, the corresponding component of the panel including a reentrant channel having a ridge for engagement of the groove. The dimensions of the ridges and channel are selected such that any intermediate portion of the support accommodates the snap-in components of adjacent panels. Doing this, the panels are retained in close mutual abutment.

The peripheral groove of the upstanding ridge is supplemented by an undercut on the inner periphery of the upstanding ridge, whereby the reentrant channel may

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engage both the undercut and peripheral groove. For all of the foregoing, applicant is directed to figure 4.

The strut comprises a provided upstanding ridge adapted to engage a corresponding profiled groove formed integrally with the panel. One of the profiled upstanding ridge and groove is interrupted (where it meets 12 or 6) at points of intersection of the strut with the frame. The effective screening area is well over 75% of the total area of the screen modules.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Bokor.

Bokor discusses the background of the art as pertaining to a metal frame with polyurethane molded thereon. Bokor is directed to the separation of the frame from the screening surface so that easy replacement of the surface is facilitated. Bokor never teaches a change in materials, but in the embodiments actually described in accordance with the description of the invention no mention is made of metal. The frame is simply called "wire".

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This wire, however, was specified to be metal in the description of the prior art. The Examiner asserts that it is inherent that the wire of the preferred embodiment is indeed metal, although such is not explicitly stated. The Examiner also asserts that, in the instance someone would ever fail to deduce the foregoing, it would be obvious to make the wire of metal, because that's how it had always been done anyway. Bokor has made no change to bring into play a change in materials. If a material other than metal were to be selected for the rigid components onto which the plastic is molded, some disclosure would certainly have been required. As no mention of any change in material was made in Bokor, it can easily be assumed that the wire of the invention is no different in material from the wire that had been used in prior devices; namely, metal.

### ***Allowable Subject Matter***

Claims 28-34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 35 would be allowable if "contiguous" were changed to "continuous".

The prior art revealed nothing of the type of invention described in claim 1 wherein there was also taught in the end portions a recess, shoulder, locating groove, collet, and fastening means, wherein the collet adapts to coact with the locating groove.

### ***Conclusion***



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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel K Schlak whose telephone number is 703-305-0885. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on 703-306 - 4173. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

dks

  
DONALD E. WALSH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600